

# Court of Appeals, State of Michigan

## ORDER

People of MI v William Lyles, Jr

Docket No. 313665

LC No. 12-008021-01-FC

Kirsten Frank Kelly  
Presiding Judge

Michael J. Talbot

Christopher M. Murray  
Judges

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The Court orders that the motion for immediate consideration is GRANTED.

In lieu of granting leave to appeal, pursuant to MCR 7.205(D)(2), the Court further orders that the November 16, 2012, order of the Wayne County Circuit Court is REVERSED. The trial court erred as a matter of law in ruling that the prior acts of domestic violence committed by defendant against Louise Kantz were inadmissible under MCL 768.27b because “the “prejudicial [sic] of it . . . substantially outweighs any demonstrated relevant evidence” and therefore, the evidence was barred by MRE 403. The trial court failed to make two distinct inquiries under the balancing test of MRE 403, which are whether introduction of the prior acts will be unfairly prejudicial and then to weigh the probative value or relevance of the evidence against the unfair prejudice. *People v Cameron*, 291 Mich App 599, 611; 806 NW2d 371 (2011). While the prior acts are damaging and prejudicial, the evidence will not “unfairly prejudice” defendant by injecting considerations extraneous to the criminal trial. Admission of the domestic violence acts against Louise Kantz will provide “a full and complete picture of defendant’s history” involving the victim and the occupants of Louise’s house, including Louise, and will tend to shed light on the likelihood that defendant is the perpetrator who broke into the house and stabbed his ex-girlfriend’s cousin. Furthermore, the prior acts are not “marginally probative” nor is it likely that the evidence will be given undue or preemptive weight by the jury, especially if the trial court minimizes the prejudicial effect by properly instructing the jury. *Id.* at 612. Because the evidence is not “unfairly prejudicial,” the prejudicial impact of the evidence does not outweigh its probative value. Therefore, the trial court erred in denying the prosecution’s pretrial motion to admit the evidence.

The motion to waive the stay requirements of MCR 7.209(A)(3) is DENIED AS MOOT.

The motion for stay is DENIED. Pursuant to MCR 7.215(F)(2), this order shall take immediate effect. The Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

JAN 07 2013

Date

  
Chief Clerk